

## Letter from Mauro, Cameron, Lewis & Massie to Alexander Graham Bell, August 5, 1909

COPY Washington, August 5, 1909. Dr. Alexander Graham Bell, Beinn Bhreagh, near Baddeck, Cape Breton, Nova Scotia. Dear Sir:

Baldwin Application, Ser.No.485,281.

We enclose herewith press copy of the declaration of an interference, which was received by us from the Patent Office yesterday. As you will observe, this interference is with an application filed by Sylvester M. Williams of San Francisco, California, and that our preliminary statement must be filed on or before September 13th, 1909. You will observe that the issue is claim 1 of our application, and that it is drawn broadly to the combination of a plurality of separate, independent, superposed, suitably spaced, supporting surfaces each having a concave and a convex side, and means uniting said supporting surfaces with their concave sides toward each other.

The matter of preparing a suitable and exact preliminary statement on behalf of Mr. Baldwin presents difficulties out of the usual, inasmuch as Mr. Baldwin is a foreigner and may have made the invention out of the United States, and we beg that you give the matter of supplying us with the data hereinafter called for your prompt and closest attention. We may state that an invention made in the United States by a foreigner stands on the same footing in the Patent Office of the United States as an invention made in the United States by a citizen; and an invention made in a foreign country by a citizen of the United States stands 2 on the same footing in the United States as an invention made in a foreign country by a foreigner. All this is important, as you will appreciate, in determining what date of invention the law will permit us to prove, inasmuch as if Mr. Baldwin conceived and reduced the invention to practice in the United States he would be able to avail himself of the date of conception in connection with the determination of

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the question of priority, whereas if he conceived and reduced the invention to practice outside of the United States, he would only be able to avail himself of the date when he subsequently introduced the invention into the United States. We may further add that the law seems to be pretty well settled that if an inventor, having conceived his invention in a foreign country, comes to the United States to complete it, and with due diligence reduces it to practice in the United States, he may, in an interference proceeding, carry the date of his invention back to the date of his arrival in the United States. From the foregoing, you will perceive that the place where the various inventive acts were performed is a matter of considerable importance, and, inasmuch as this application may later on be involved in other interferences, we again beg to invite your most careful attention to the matter of determining the places and dates hereinafter referred to.

We would caution you to fix the earliest dates possible in connection with the several matters hereinafter mentioned, for the reason that we shall not, in taking our testimony, be permitted to avail ourselves of any dates prior to those alleged in our preliminary statement.

1. When and where did Mr. Baldwin conceive the invention of the issue?
2. Did he ever make sketches illustrating said invention and, if so, when and where?
3. When and where did he first disclose the invention to others?
4. When and where were drawings first made?
5. Did he ever make a model embodying the invention of the issue, as distinguished from a full-sized operative device, and, if so, when and where?
6. When and where did he first commence the construction of a full-sized machine embodying the invention of the issue; when and where was it completed, and when and where was it first successfully operated?

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7. How many machines have been constructed embodying the invention of the issue?
8. Have any machines embodying the invention of the issue been manufactured for sale?

With this data in our possession we shall be able to prepare an appropriate preliminary statement, which we shall at once forward for execution by Mr. Baldwin, with suitable instructions. Please let this matter receive your prompt and best attention, in order that we may, if possible, have the preliminary statement on file in the Patent Office before the 13th of September. We may state that if, although we proceed diligently, we find it Impossible to file our statement 4 on or before that date, we shall be able to obtain an extension from the Patent Office, upon making a suitable showing.

Yours truly, (Signed) Mauro, Cameron, Lewis & Massie. Encl. Copy of O/L